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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	09/876,796
Filing Date	June 7, 2001
First Named Inventor	Kathleen L. Horwath et al.
Art Unit	1653
Examiner Name	Hope A. Robinson
Attorney Docket Number	RB-125-SEQ

**ENCLOSURES (Check all that apply)**

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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>ELECTION |
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Mark Levy & Associates, PLLC		
Signature			
Printed name	Mark Levy		
Date	November 16, 2004	Reg. No.	29,188

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/876,796 Confirmation No. 9032  
Applicant : Kathleen L. Horwath et al.  
Filed : June 7, 2001  
TC/A.U. : 1653  
Examiner : Hope A. Robinson  
  
Docket No. : RB-125 SEQ  
Title : NUCLEIC ACID SEQUENCES ENCODING TYPE III  
: TENEBRIO ANTIFREEZE PROTEINS AND METHOD  
: FOR ASSAYING ACTIVITY  
Customer No. : 41245

E L E C T I O N

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S I R:

This election is responsive to the Office Action of  
October 18, 2004 relating to the above-identified patent  
application.

Application. No. 09/876,796  
Amendment dated November 16, 2004  
Reply to Office Action of October 18, 2004

Applicants hereby elect, with traverse, the claims of  
Group II (i.e., claims 27 - 37) drawn to a method for  
providing antifreeze or recrystallization inhibition  
properties.

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On \_\_\_\_\_ *nl 11/16/04*  
(Date of Deposit)

*Mark Levy*  
Mark Levy, Reg. No. 29188 (Date)  
Attorney

Respectfully submitted,



Mark Levy  
Registration No. 29,188  
Attorney for Applicants  
MARK LEVY & ASSOCIATES, PLLC  
Press Building - Suite 902  
19 Chenango Street  
Binghamton, New York 13901  
Phone: (607) 722-6600